

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

**COMPUTER & COMMUNICATIONS
INDUSTRY ASSOCIATION, and
NETCHOICE, LLC.,
Plaintiffs,**

v.

**KEN PAXTON, in his official capacity as
Attorney General of Texas,

Defendant.**

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Civil Action No. 1:24-cv-849-RP

DEFENDANT’S UNOPPOSED MOTION TO STAY CASE PENDING APPEAL

Defendant, Ken Paxton, moves the Court to stay this case pending his appeal of this Court’s August 30, 2024 order on Plaintiffs’ motion for a preliminary injunction.¹ Defendant filed a notice to appeal this decision on September 5, 2024.² This case should be stayed during the pendency of the appeal because Defendant asserted threshold jurisdictional challenges against all claims brought by Plaintiffs in this lawsuit.³ The parties also believe that staying the case while the appeal is pending would best serve the interests of efficiency and judicial economy.

Plaintiffs advised that they are unopposed to this request. We thank the Court for its time and attention to this matter.

Dated: September 6, 2024

Respectfully submitted,

KEN PAXTON
ATTORNEY GENERAL OF TEXAS

¹ ECF 25

² ECF 26.

³ See ECF 18; *Whole Woman's Health v. Jackson*, 13 F.4th 434, 444 (5th Cir. 2021) (“[T]he notice appealing the order ‘divest[s] the district court of its control over those aspects of the case involved in the appeal.’”) (quoting *Griggs v. Provident Consumer Disc. Co.*, 459 U.S. 56, 58 (1982)); see also *Wooten v. Roach*, 964 F.3d 395, 412 (5th Cir. 2020); *Williams v. Brooks*, 996 F.2d 728, 729–30 (5th Cir. 1993).

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/s/ Todd Dickerson
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Counsel for Defendant

CERTIFICATE OF CONFERENCE

I certify that on September 6, 2024, I conferred with Plaintiff's counsel, Jeremy Maltz, via email regarding the subject of this motion. He stated that he does not oppose this motion.

/s/ Todd Dickerson

CERTIFICATE OF SERVICE

I certify that a copy of the document above was served on all counsel of record who have entered an appearance on September 6, 2024, using the Federal Court CM/ECF system.

/s/ Todd Dickerson